

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JEROME CURRY,

Petitioner,

-against-

03 Civ. 0901 (LAK)

JOHN BURGE, etc.,

Respondent.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

The Court hereby adopts the report and recommendation of Magistrate Judge Andrew J. Peck [docket item 73] to which no objection has been filed. Petitioner's motion [docket item 74] therefore is denied. A certificate of appealability is denied, and the Court determines that any appeal herefrom would not be taken in good faith within the meaning of 28 U.S.C. § 1915(d).

SO ORDERED.

Dated: October 23, 2008



Lewis A. Kaplan
United States District Judge

